

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)

Act 451 of 1994

SUBCHAPTER 2

HUNTING AND FISHING LICENSES

PART 435

HUNTING AND FISHING LICENSING

324.43501 Meanings of words and phrases.

Sec. 43501. For the purposes of this part, the words and phrases defined in sections 43502 to 43508 have the meanings ascribed to them in those sections.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43502 Definitions; A to C.

Sec. 43502. (1) "Accompany" means to go along with another person under circumstances that allow one to come to the immediate aid of the other person and while staying within a distance from the person that permits uninterrupted, unaided visual and auditory communication.

(2) "Amphibian" means a frog, toad, salamander, or other member of the class amphibia.

(3) "Apprentice license" means a license issued under section 43520(3).

(4) "Aquatic species" means a fish, reptile, amphibian, mollusk, aquatic insect, or crustacea or part thereof.

(5) "Bow" means a device for propelling an arrow from a string drawn, held, and released by hand if the force used to hold the string in the drawn position is provided by the archer's muscles.

(6) "Crossbow" means a weapon consisting of a bow, with a draw weight of 100 pounds or more, mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string controlled by a mechanical or electric trigger with a working safety.

(7) "Crustacea" means a freshwater crayfish, shrimp, or prawn of the order decapoda.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2006, Act 280, Imd. Eff. July 10, 2006;—Am. 2006, Act 282, Imd. Eff. July 10, 2006.

Popular name: Act 451

Popular name: NREPA

324.43503 Definitions; F.

Sec. 43503. (1) "Fish" means all species of fish.

(2) "Fishing" means the pursuing, capturing, catching, killing, or taking of fish, and includes attempting to pursue, capture, catch, kill, or take fish.

(3) "Firearm" means a weapon from which a dangerous projectile may be propelled by using explosives, gas, or air as a means of propulsion. Firearm does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling BB's not exceeding .177 caliber by means of a spring or air or gas.

(4) "Firearm deer season" means any period in which deer may be lawfully hunted with a firearm.

(5) "Fur-bearing animals" includes badger, beaver, bobcat, coyote, fisher, fox, lynx, marten, mink, muskrat, opossum, otter, raccoon, skunk, weasel, and wolf.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43504 Definitions.

Sec. 43504. As used in this part:

(a) "Game" has the meaning given that term in part 401.

(b) "Game and fish protection account" means the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010.

(c) "Wildlife and fisheries" includes any member of the wild animal kingdom, including any mammal, bird, fish, reptile, amphibian, or invertebrate found in this state at any point in its natural life cycle.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part

of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.43505 Definitions; H to N.

Sec. 43505. (1) "Hunt" and "hunting" mean to pursue, capture, shoot, kill, chase, follow, harass, harm, rob, or trap a wild animal, or to attempt to engage in such an activity.

(2) "Identification" means a driver license issued by Michigan, another state, or a Canadian province as accepted by the department, a state of Michigan identification card issued by the secretary of state, or a sportcard issued by the department.

(3) "License" means a document or a tag, stamp, plastic card, or other device that may include a stamp or a tag that authorizes the licensee to hunt, fish, trap, or possess wild animals or aquatic species and other identification required by the department.

(4) "Minor child" means a person less than 17 years old.

(5) "Nonresident" means or refers to a person who is not a resident.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2006, Act 280, Imd. Eff. July 10, 2006;—Am. 2006, Act 282, Imd. Eff. July 10, 2006.

Popular name: Act 451

Popular name: NREPA

324.43506 Definitions; O to R.

Sec. 43506. (1) "Open season" means the time during which game animals, game birds, fur-bearing animals, and aquatic species may be legally taken or killed. Open season includes both the first and last day of the season or period.

(2) "Reptile" means a turtle, snake, lizard, or any other member of the class reptilia.

(3) "Resident" means or refers to any of the following:

(a) A person who resides in a settled or permanent home or domicile within the boundaries of this state with the intention of remaining in this state.

(b) A student who is enrolled in a full-time course at a college or university within this state and who resides in the state during the school year.

(c) A person regularly enlisted or commissioned as an officer in the armed forces of the United States and officially stationed in this state.

(d) A person regularly enlisted or commissioned as an officer in the armed forces of the United States who, at the time of enlistment, was a resident of this state and has maintained his or her residence in this state for purposes of obtaining a driver license or voter registration, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2006, Act 282, Imd. Eff. July 10, 2006.

Popular name: Act 451

Popular name: NREPA

324.43507 Definitions; S.

Sec. 43507. (1) "Senior citizen" means a resident 65 years of age or older.

(2) "Slingshot" means a Y-shaped device with an elastic strip attached between the prongs used for projecting a stone or other object.

(3) "Small game" includes all species of protected game birds and game animals except bear, deer, elk, moose, wild turkey, and fur-bearing animals.

(4) "Small game season" means that period between September 15 and March 31.

(5) "Sportcard" means a folder, document, plastic card, or other device issued by the department containing the person's name, address, and vital statistics as required by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43508 Definitions; T to W.

Sec. 43508. (1) "Take" means fishing, hunting, trapping, catching, capturing, killing, or the attempt to engage in such an activity.

(2) "Trap" and "trapping" mean the taking of wild animals by means of a trap.

(3) "Waterfowl" means ducks, geese, gallinules, and mergansers.

(4) “Wild animal” means a mammal, bird, fish, reptile, amphibian, or crustacea of a wild nature indigenous to this state or introduced to this state by the department or a species determined by the department to be of public benefit.

(5) “Wiggler” means a mayfly nymph or other aquatic insect nymphs or larvae.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43509 Taking aquatic species; hunting, trapping, or possessing wild animal.

Sec. 43509. (1) A person 17 years of age or older shall not take aquatic species, except aquatic insects, in or upon any waters over which this state has jurisdiction or in or upon any lands within the state, or possess aquatic species, except aquatic insects, without having in his or her possession a valid license as provided in this part.

(2) A person shall not hunt, trap, or possess a wild animal without having in his or her possession a valid license as provided in this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43510 Carrying or transporting firearm, slingshot, bow and arrow, crossbow or trap; license required; exception; applicability to taking of wild animal.

Sec. 43510. (1) Subject to subsection (2) and except as provided in section 43513, a person shall not carry or transport a firearm, slingshot, bow and arrow, crossbow, or a trap while in any area frequented by wild animals unless that person has in his or her possession a license as required under this part.

(2) This act or a rule promulgated or order issued by the department or the commission under this act shall not be construed to prohibit a person from transporting a pistol or carrying a loaded pistol, whether concealed or not, if either of the following applies:

(a) The person has in his or her possession a license to carry a concealed pistol under 1927 PA 372, MCL 28.421 to 28.435.

(b) The person is authorized under the circumstances to carry a concealed pistol without obtaining a license to carry a concealed pistol under 1927 PA 372, MCL 28.421 to 28.435, as provided for under any of the following:

(i) Section 12a of 1927 PA 372, MCL 28.432a.

(ii) Section 227, 227a, 231, or 231a of the Michigan penal code, 1931 PA 328, MCL 750.227, 750.227a, 750.231, and 750.231a.

(3) Subsection (2) does not authorize an individual to take or attempt to take a wild animal except as provided by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2004, Act 129, Imd. Eff. June 3, 2004;—Am. 2006, Act 433, Imd. Eff. Oct. 5, 2006.

Popular name: Act 451

Popular name: NREPA

324.43511 Deer or elk season; transporting or possessing shotgun or rifle; license required; exception.

Sec. 43511. (1) Subject to subsection (2), and except as provided in section 43513, during the open season for the taking of deer or elk with a firearm, a person shall not transport or possess a shotgun with buckshot, slug load, ball load, or cut shell or a rifle other than a .22 caliber rim fire, unless the person has in his or her possession a license to hunt deer or elk with a firearm.

(2) Subsection (1) does not apply during muzzle-loading deer season.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2006, Act 433, Imd. Eff. Oct. 5, 2006.

Popular name: Act 451

Popular name: NREPA

324.43512 Repealed. 1998, Act 104, Eff. Mar. 23, 1999.

Compiler's note: The repealed section pertained to possession of valid turkey license in order to carry firearm or bow and arrow.

Popular name: Act 451

Popular name: NREPA

324.43513 Carrying, transporting, or possessing firearm, slingshot, bow and arrow, or crossbow; hunting license not required; carrying or possessing unloaded weapon.

Sec. 43513. (1) A person may carry, transport, or possess a firearm without a hunting license if the firearm is unloaded in both barrel and magazine and either enclosed in a case or carried in a vehicle in a location that is not readily accessible to any occupant of the vehicle. A person may carry, transport, or possess a slingshot, bow and arrow, or crossbow without a hunting license if the slingshot, bow, or crossbow is unstrung, enclosed in a case, or carried in a vehicle in a location that is not readily accessible to any occupant of the vehicle.

(2) Regardless of whether the person has a license or it is open season for the taking of game, a person may carry, transport, possess or discharge a firearm, a bow and arrow, or a crossbow if all of the following apply:

(a) The person is not taking or attempting to take game but is engaged in 1 or more of the following activities:

(i) Target practice using an identifiable, artificially constructed target or targets.

(ii) Practice with silhouettes, plinking, skeet, or trap.

(iii) Sighting-in the firearm, bow and arrow, or crossbow.

(b) The person is, or is accompanied by or has the permission of, either of the following:

(i) The owner of the property on which the activity under subdivision (a) is taking place.

(ii) The lessee of that property for a term of not less than 1 year.

(c) The owner or lessee of the property does not receive remuneration for the activity under subdivision (a).

(3) A person may carry or possess an unloaded weapon at any time if the person is traveling to or from or participating in a historical reenactment.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 1998, Act 129, Eff. Mar. 23, 1999;—Am. 2006, Act 433, Imd. Eff. Oct. 5, 2006.

Popular name: Act 451

Popular name: NREPA

324.43514 Hunting and fishing without license; exception.

Sec. 43514. (1) A resident, the resident's spouse, and the resident's children may hunt small game without a license upon the enclosed farmlands upon which they are regularly domiciled, at a time and in a manner permitted by law; except that they shall obtain a waterfowl hunting license for hunting waterfowl and a federal migratory bird hunting stamp as required by law.

(2) A resident, the resident's spouse, and the resident's children may fish without a license in water wholly within the limits of their enclosed farmlands or other enclosed lands upon which they are regularly domiciled, at a time and in a manner permitted by law.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43515 Permit authorizing mentally retarded person or resident of home for aged to fish without license.

Sec. 43515. The department may issue a permit authorizing a mentally retarded person or a resident of a home for the aged licensed under article 17 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.20101 to 333.22181 of the Michigan Compiled Laws, to fish without a license if the mentally retarded person or the resident of the licensed home for the aged is a member of a group accompanied by 1 or more adults licensed under this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43516 Hunting, fur harvester, or fishing license; carrying license; exhibiting license on demand; firearm deer license with unused kill tag; exhibiting tag on request.

Sec. 43516. (1) A person who has been issued a hunting, fur harvester's, or fishing license shall carry the license and shall exhibit the license upon the demand of a conservation officer, a law enforcement officer, or the owner or occupant of the land if either or both of the following apply:

(a) The person is hunting, trapping, or fishing.

(b) Subject to section 43510(2) and except as provided in section 43513, the person is in possession of a firearm or other hunting or trapping apparatus or fishing apparatus in an area frequented by wild animals or

fish, respectively.

(2) Subject to section 43510(2) and except as provided in section 43513, a person shall not carry or possess afield a shotgun with buckshot, slug loads, or ball loads; a bow and arrow; a muzzle-loading rifle or black powder handgun; or a centerfire handgun or centerfire rifle during firearm deer season unless that person has a valid firearm deer license, with an unused kill tag, if issued, issued in his or her name. The person shall exhibit an unused kill tag, if issued, upon the request of a conservation officer, a law enforcement officer, or the owner or occupant of the land.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 129, Imd. Eff. June 3, 2004;—Am. 2006, Act 433, Imd. Eff. Oct. 5, 2006.

Popular name: Act 451

Popular name: NREPA

324.43517 Hunting by minor child.

Sec. 43517. A parent or legal guardian of a minor child shall not permit or allow the minor child to hunt game under the authority of a license issued pursuant to this part except under 1 of the following conditions:

(a) The minor child hunts only on land upon which a parent or guardian is regularly domiciled or a parent or guardian, or another person at least 18 years old authorized by a parent or guardian, accompanies the minor child. This subdivision does not apply under either of the following circumstances:

(i) The license is an apprentice license.

(ii) The minor child is less than 14 years old and the license is a license to hunt deer, bear, or elk with a firearm.

(b) If the license is an apprentice license, a parent or guardian, or another person at least 21 years old authorized by a parent or guardian, who is licensed to hunt that game under a license other than an apprentice license accompanies the minor child. In addition, if the minor child is less than 14 years old and the apprentice license is a license to hunt deer, bear, or elk with a firearm, the minor child shall hunt only on private property.

(c) If the minor child is less than 14 years old and the license is a license to hunt deer, bear, or elk with a firearm, the minor child hunts only on private property and a parent or guardian, or another person authorized by a parent or guardian who is at least 18 years old, accompanies the minor child. This subdivision does not apply if the license is an apprentice license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2006, Act 280, Imd. Eff. July 10, 2006;—Am. 2006, Act 282, Imd. Eff. July 10, 2006.

Popular name: Act 451

Popular name: NREPA

324.43518 “Department” defined; signature requirement for valid license.

Sec. 43518. (1) As used in this section to section 43544, “department” includes a person designated by the department to issue and sell licenses.

(2) A license issued under this part is not valid unless it is signed as required by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43519 License requirements; effect of court order.

Sec. 43519. (1) To obtain any license, an applicant shall provide the department with 1 or more of the following as required by the department:

(a) Proof of residency or a signed affidavit of Michigan residency.

(b) Information required on the license application.

(c) The required license fee.

(d) Proof of identification.

(2) A person shall not obtain or attempt to obtain a license if a court order prohibits the person from obtaining that license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43520 Hunting license; issuance to minor child; conditions; duties of issuing agent; proof of previous hunting experience or certification of completion of training in hunter

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safety; affidavit; information to be recorded; apprentice license; report on effect of apprentice hunter program and reductions in minimum age reductions.

Sec. 43520. (1) Subject to other requirements of this part, the department may issue a hunting license to a minor child if all of the following requirements are met:

- (a) A parent or legal guardian of the minor child applies for the license on behalf of the minor child.
- (b) The parent or guardian represents that the requirements of section 43517(a), (b), or (c), as applicable, will be complied with.
- (c) The minor child is at least 10 years old or, if the license is a license to hunt deer, bear, or elk with a firearm, at least 12 years old.
- (d) The license fee is paid.

(2) A person authorized to sell hunting licenses shall not issue a hunting license to a person born after January 1, 1960, unless the person presents proof of previous hunting experience in the form of a hunting license issued by this state, another state, a province of Canada, or another country or presents a certification of completion of training in hunter safety issued to the person by this state, another state, a province of Canada, or another country. If an applicant for a hunting license does not have proof of such a previous license or a certification of completion of training in hunter safety, a person authorized to sell hunting licenses may issue a hunting license if the applicant submits a signed affidavit stating that the applicant has completed a course in hunter safety or that the applicant possessed such a hunting license previously. The person selling a hunting license shall record as specified by the department the form of proof of the previous hunting experience or certification of completion of hunter safety training presented by the applicant. This subsection does not apply to the issuance of an apprentice license. An apprentice license or the equivalent does not satisfy the requirements of this subsection concerning proof of previous hunting experience.

(3) A person who does not meet the requirements of subsection (2) may obtain an apprentice license for the same price as the corresponding regular license that the person would otherwise be qualified to obtain. A person 17 years old or older shall not hunt game under an apprentice license unless another person at least 21 years old who possesses a license, other than an apprentice license, to hunt that game accompanies that apprentice licensee and does not accompany more than 1 other apprentice licensee. For the purposes of this subsection and section 43517(b), a person shall not go along with more than 2 apprentice licensees of any age for the purpose of accompanying those apprentice licensees while those apprentice licensees are hunting. If a person has represented to an apprentice licensee or, if the apprentice licensee is a minor child, to the apprentice licensee's parent or legal guardian that the person would accompany the apprentice licensee for the purposes of this subsection, the person shall not go along with the apprentice licensee while the apprentice licensee is hunting unless the person actually accompanies the apprentice licensee and possesses a license, other than an apprentice license, to hunt the same game as the apprentice licensee. A person is not eligible to obtain a specific type of apprentice license, such as a firearm deer license, an archery deer license, a combination deer license, a small game license, or a turkey license, for more than 2 license years. An apprentice license shall be distinguished from a license other than an apprentice license by a notation or other means.

(4) By October 1, 2008, the department shall submit to the standing committees of the senate and house of representatives with primary responsibility for conservation and outdoor recreation issues a report on the effect of the apprentice hunter program and the reductions in minimum hunting age enacted by the 2006 amendatory act that amended this section on recruitment of new hunters and other relevant issues, such as hunter safety.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2006, Act 280, Imd. Eff. July 10, 2006;—Am. 2006, Act 280, Imd. Eff. July 10, 2006;—Am. 2006, Act 282, Imd. Eff. July 10, 2006.

Popular name: Act 451

Popular name: NREPA

324.43521 Discounting price of license.

Sec. 43521. Notwithstanding any other section of this part, the department may discount the price of a license for the following purposes:

- (a) For marketing purposes to increase participation in hunting and fishing activities.
- (b) The price of any license or application fee may be discounted or eliminated to achieve a harvest or management objective for that species.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2009, Act 69, Imd. Eff. July 9, 2009.

Popular name: Act 451

Popular name: NREPA

324.43522 Issuance of sportcard to persons not possessing driver license or other identification; fee.

Sec. 43522. If a person applying for a license or permit under this part does not possess a Michigan driver license or other identification, the department shall issue a sportcard. A person authorized by the department to issue licenses shall charge a \$1.00 fee for each sportcard that he or she issues. The authorized person shall forward the required form and the fee collected pursuant to this section to the department. The department shall issue a license and a sportcard provided for in this part if the applicant satisfies the license requirements and pays the license fees.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43522a License fee increase; deferment; determination by director.

Sec. 43522a. Notwithstanding any other section of this part, any portion of the license fee increases authorized in this part for 1999 or 2001, or both, may be deferred by the director for 1 or more years as determined to be appropriate by the director. If the director determines that any portion of the authorized license fee increases may be deferred, the amount deferred shall be an equal percentage of all authorized increases. The increases authorized in the year 2001 shall not be implemented until increases authorized in this part for 1999 are fully implemented.

History: Add. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43523 Small game license; fees; validity.

Sec. 43523. (1) Except as otherwise provided in this part, a person shall not hunt small game unless the person possesses a current small game license. A small game license authorizes the person named in the license to hunt for small game except for animals or birds that require a special license.

(2) If authorized in an order issued under part 401, a resident possessing a current small game license may take specified fur-bearing animals by means other than trapping during the open season for hunting these fur-bearing animals. However, a person who goes on a bobcat hunt with a licensed hunter is not required to possess a small game license if the person does not carry a firearm, bow, or crossbow and does not own dogs used to chase or locate a bobcat during the hunt.

(3) The fee for a small game license is as follows:

(a) Subject to subdivision (b), for a resident, \$15.00.

(b) For a resident or nonresident minor child, \$1.00.

(c) Subject to subdivision (b), for a nonresident, \$69.00. However, a nonresident may purchase a limited nonresident small game license entitling that person to hunt for a 3-day period all species of small game that are available to hunt under a nonresident small game license. The fee for a limited nonresident small game license is \$30.00.

(4) A small game license is void between the hours of 1/2 hour after sunset and 1/2 hour before sunrise with the exception of coyote hunting.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2006, Act 280, Imd. Eff. July 10, 2006;—Am. 2008, Act 347, Imd. Eff. Dec. 23, 2008;—Am. 2009, Act 70, Imd. Eff. July 9, 2009.

Popular name: Act 451

Popular name: NREPA

324.43524 Wild turkey hunting license; fees; lottery; issuance of license; use of fees.

Sec. 43524. (1) A person shall not hunt wild turkey without a wild turkey hunting license. The fee for a resident wild turkey hunting license is \$15.00. The fee for a nonresident wild turkey hunting license is \$69.00. Subject to the requirements of section 40113a, the commission may issue an order requiring that all applications for wild turkey hunting licenses, or applications for wild turkey hunting licenses for certain geographic areas, be entered into a lottery designed and run by the department. A person selected in a lottery, upon meeting the requirements of this part, is authorized to purchase a wild turkey hunting license. The license shall be issued for a specified hunting period and shall confer upon the holder of the license the right to hunt wild turkeys.

(2) The department may charge a nonrefundable application fee not to exceed \$4.00 for each application

for a wild turkey hunting license that is entered into a lottery pursuant to subsection (1).

(3) From fees collected under subsection (1) or (2), the following amounts shall be used for scientific research, biological survey work on wild turkeys, and wild turkey management in this state:

- (a) Resident wild turkey hunting license..... \$ 9.50
- (b) Nonresident wild turkey hunting license..... \$50.00
- (c) Senior wild turkey hunting license..... \$ 1.00
- (d) Wild turkey hunting application..... amount of
application fee,
if any, but not
more than \$ 3.00.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2002, Act 81, Imd. Eff. Mar. 25, 2002.

Popular name: Act 451

Popular name: NREPA

324.43525 Waterfowl hunting license; affixing stamp to license; purchase by collector; annual or daily managed waterfowl area permit; fees; lottery for hunting privilege; use of fees.

Sec. 43525. (1) A person 16 years of age or older shall not hunt waterfowl without a current waterfowl hunting license issued by this state. The annual license requirement is in addition to the requirements for a small game license and federal migratory bird hunting stamp. The fee for the waterfowl hunting license is \$5.00.

(2) If issued as a stamp, a waterfowl hunting license shall be affixed to the small game license of the person and signed across the face of the stamp by the person to whom it is issued.

(3) A collector may purchase a waterfowl hunting license, if it is issued as a stamp, without being required to place it on a small game license, sign across its face, or provide proof of competency under section 43520(2). However, a license described in this subsection is not valid for hunting waterfowl.

(4) A person shall not hunt waterfowl, or deer if deer hunting is regulated by permit in an area designated by the department as a managed waterfowl area, without an annual or daily managed waterfowl area permit and any other license or permit required by this part. The fee for a daily managed waterfowl area permit is \$4.00. The fee for an annual managed waterfowl area permit is \$13.00.

(5) Following a lottery among applicants for hunting privileges in managed waterfowl areas, only those successful applicants who accept the hunting privileges are required to purchase a daily or annual managed waterfowl area permit.

(6) From the fee collected for each waterfowl hunting license, \$3.50 shall be used to acquire wetlands and other lands to be managed for the benefit of waterfowl.

(7) The following amounts from the fee collected for each annual or daily managed waterfowl area permit sold shall be used to operate, maintain, and develop managed waterfowl areas in this state:

- (a) Daily managed waterfowl area permit..... \$ 3.00.
- (b) Annual managed waterfowl area permit..... \$ 10.00.

(8) The department shall charge a nonrefundable application fee not to exceed \$4.00 for each person who applies for a permit to hunt in a managed waterfowl area.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2006, Act 280, Imd. Eff. July 10, 2006.

Popular name: Act 451

Popular name: NREPA

324.43525a Combination deer license.

Sec. 43525a. (1) The department shall issue a combination deer license that authorizes a person to hunt deer both during the firearm deer seasons and the bow and arrow seasons, in compliance with the rules established for the respective deer hunting season. A combination deer license shall authorize the holder to take 2 deer in compliance with orders issued under part 401.

(2) The fee for a resident combination deer license is the total of the resident firearm deer license fee plus the resident bow and arrow deer license fee. The fee for a nonresident combination deer license is the total of the nonresident firearm deer license fee plus the nonresident bow and arrow deer license fee. However, the fee for a combination deer license for a resident or nonresident minor child shall be discounted 50% from the cost of the resident combination deer license.

(3) If advisable in managing deer, an order under part 401 may designate the kind of deer that may be

taken and the geographic area in which any license issued under this section is valid.

(4) The department may issue kill tags with or as part of each combination deer license. Each kill tag shall bear the license number. A kill tag may also include space for other pertinent information required by the department. A kill tag, if issued, is part of the license and shall not be used more than 1 time.

(5) The combination deer license shall count as 2 licenses for the purposes of license fees under section 43536a, discounting under subsection 43521(c), and transmittal, deposit, and use of fees under sections 43554 and 43555.

(6) A senior citizen may obtain a senior combination deer license. The fee for a senior combination deer license shall be discounted at the same rate as provided in section 43535.

(7) A combination deer license issued to a person less than 12 years of age is valid only for taking deer with a bow and arrow, until the person is 12 years of age or older.

(8) Notwithstanding any other provision of this part, except for replacing lost or destroyed licenses, a person shall not apply for, obtain, or purchase any combination of firearm deer licenses, bow and arrow deer licenses, and combination deer licenses that would authorize the taking of more than 2 deer.

History: Add. 1998, Act 291, Imd. Eff. July 28, 1998;—Am. 2006, Act 280, Imd. Eff. July 10, 2006.

Popular name: Act 451

Popular name: NREPA

324.43526 Firearm deer license; second firearm deer license; fees; orders; kill tag.

Sec. 43526. (1) A person shall not hunt deer during the firearm deer season without purchasing a firearm deer license. The fee for a resident firearm deer license is \$13.00. Beginning in 1999, the fee for a resident firearm deer license is \$14.00. Beginning in 2001, the fee for a resident firearm deer license is \$15.00. The fee for a nonresident firearm deer license is \$120.00. Beginning in 1999, the fee for a nonresident firearm deer license is \$129.00. Beginning in 2001, the fee for a nonresident firearm deer license is \$138.00. Where authorized by the department, a resident or nonresident may purchase a second firearm deer license in 1 season for the fee assessed under this subsection for the firearm deer license for which that person is eligible. However, a senior license discount is not available for the purchase of a second firearm deer license. The department may issue orders under part 401 designating the kind of deer that may be taken and the geographic area in which any license issued under this section is valid, when advisable in managing deer.

(2) The department may issue a kill tag with or as part of each deer license. The kill tag shall bear the license number. The kill tag may also include space for other pertinent information required by the department. The kill tag, if issued, is part of the license.

(3) The department shall charge a nonrefundable application fee not to exceed \$4.00 for each person who applies for an antlerless deer license. Except as otherwise provided in section 43521, the fee for a resident antlerless deer license is \$13.00. Beginning in 1999, the fee for a resident antlerless deer license is \$14.00. Beginning in 2001, the fee for a resident antlerless deer license is \$15.00. The fee for a nonresident antlerless deer license is \$120.00. Beginning in 1999, the fee for a nonresident antlerless deer license is \$129.00. Beginning in 2001, the fee for a nonresident antlerless deer license is \$138.00.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 425, Imd. Eff. Nov. 25, 1996;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43527 Bow and arrow deer license; fees; purchase of second bow and arrow deer license; orders; kill tag; provisions applicable to bow and arrow deer license.

Sec. 43527. (1) A person shall not hunt deer with a bow and arrow or crossbow during the bow and arrow deer season without a bow and arrow deer license. The fee for a resident bow and arrow deer license is \$15.00. The fee for a resident or nonresident minor child for a bow and arrow deer license shall be discounted 50% from the cost of the resident bow and arrow deer license. The fee for a nonresident bow and arrow deer license is \$138.00.

(2) Where authorized by the department, a person may purchase a second bow and arrow deer license in 1 season for the fee assessed under subsection (1) for the bow and arrow deer license for which that person is eligible. However, a senior license discount is not available for the purchase of a second bow and arrow deer license. The department may issue orders under part 401 designating the kind of deer that may be taken and the geographic area in which any license issued under this section is valid, if advisable in managing deer.

(3) The department may issue a kill tag with, or as a part of, each bow and arrow deer license. Section 43526(2) applies with respect to a bow and arrow deer license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 425, Imd. Eff. Nov. 25, 1996;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2006, Act 280, Imd. Eff. July 10, 2006.

Popular name: Act 451

Popular name: NREPA

324.43528 Bear hunting license; exception; fees; tag.

Sec. 43528. (1) A person shall not hunt bear unless the person possesses a bear hunting license. However, a person who goes on a bear hunt with a licensed hunter is not required to possess a bear hunting license if the person does not carry a firearm, bow, or crossbow and does not own dogs used to chase or locate bear during the hunt.

(2) The fee for a resident bear hunting license is \$15.00. The fee for a nonresident bear hunting license is \$150.00.

(3) The department may issue a tag with, or as a part of, a bear hunting license. Section 43526(2) applies with respect to a bear hunting license.

(4) In addition to the license fees in subsection (2), the department shall charge a nonrefundable application fee not to exceed \$4.00 for each person who applies for a bear hunting license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 103, Imd. Eff. Mar. 5, 1996;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2008, Act 347, Imd. Eff. Dec. 23, 2008;—Am. 2009, Act 70, Imd. Eff. July 9, 2009.

Popular name: Act 451

Popular name: NREPA

324.43529 Elk hunting license; fees; kill tag.

Sec. 43529. (1) A resident shall not hunt elk during the elk season without an elk hunting license. The fee for an elk hunting license is \$100.00. The department may establish a nonrefundable application fee not to exceed \$4.00 for each person who applies for an elk hunting license.

(2) The department may issue a kill tag with, or as a part of, an elk hunting license. Section 43526(2) applies with respect to an elk hunting license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43530 Hunting small game on game bird hunting preserves; small game license; special game bird hunting license; fee; affixing date of issuance to license; rights of licensee.

Sec. 43530. (1) A person shall not hunt small game on game bird hunting preserves licensed under part 417 without a small game license as provided in section 43523. However, instead of a small game license, a person may obtain a special game bird hunting preserve license for a fee of \$15.00.

(2) Each game bird hunting preserve license shall have the date of issue affixed to the license and shall authorize the holder to hunt only on licensed game bird hunting preserves and only for species for which the game bird hunting preserve is licensed.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2001, Act 23, Imd. Eff. June 18, 2001.

Popular name: Act 451

Popular name: NREPA

324.43531 Fur harvester's license; exception; fees; conditions to issuance of nonresident fur harvester's license; rights of licensee.

Sec. 43531. (1) Except as otherwise provided in section 43523(2), a person shall not trap or hunt fur-bearing animals unless the person possesses a fur harvester's license. However, a person who goes on a bobcat hunt with a licensed hunter is not required to possess a fur harvester's license if the person does not carry a firearm, bow, or crossbow and does not own dogs used to chase or locate a bobcat during the hunt.

(2) The fee for a resident fur harvester's license is \$15.00. The fee for a resident or nonresident who is 12 years of age through 16 years of age for a fur harvester's license shall be discounted 50% from the cost of the resident fur harvester's license.

(3) The department may issue a nonresident fur harvester's license to a nonresident of this state if the state, province, or country in which the nonresident applicant resides allows residents of this state to obtain equivalent hunting and trapping privileges in that state, province, or country. The fee for an eligible nonresident fur harvester's license is \$150.00. Nonresident fur harvester's licenses shall not be sold or purchased before November 15 of each year.

(4) A person who holds a fur harvester's license may hunt fur-bearing animals during the season open to taking fur-bearing animals with firearms and may trap fur-bearing animals during the season open to trapping fur-bearing animals.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2008, Act 347, Imd. Eff. Dec. 23, 2008;—Am. 2009, Act 70, Imd. Eff. July 9, 2009.

Popular name: Act 451

Popular name: NREPA

324.43532 Restricted fishing license; fees; rights of licensee; all-species fishing license.

Sec. 43532. (1) A person 17 years of age or older shall not take aquatic species, except aquatic insects, in the waters over which this state has jurisdiction without a license. The fee for a resident restricted fishing license is \$15.00. The fee for a nonresident restricted fishing license is \$34.00.

(2) The restricted fishing license entitles the licensee to take aquatic species as prescribed by law other than trout or salmon.

(3) A person under 17 years of age may take aquatic species in the waters over which this state has jurisdiction without a license. However, a person under 17 years of age may obtain an all-species fishing license. The fee for a resident or nonresident who is under 17 years of age, for an all-species fishing license is \$2.00. The department shall not sell or vendor the list of licensees under this subsection.

(4) The fee for a resident all-species fishing license is \$28.00. The fee for a nonresident all-species fishing license is \$42.00.

(5) The all-species fishing license entitles the licensee to take all species of aquatic species as prescribed by law.

(6) A person to whom a valid restricted fishing license has been issued may return the restricted license to the department or its authorized agent and receive an all-species fishing license by paying a fee equal to the difference in cost between the all-species fishing license and the restricted fishing license for which that person is eligible.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2002, Act 108, Imd. Eff. Mar. 27, 2002.

Popular name: Act 451

Popular name: NREPA

324.43533 Limited fishing license; fees.

Sec. 43533. A resident or nonresident may purchase a limited fishing license entitling that person to take all aquatic species as prescribed by law. Except as provided in this section, the fee for a limited fishing license is \$6.00 per designated consecutive 24-hour period. Except as provided in this section, beginning in 2001, the fee for a limited fishing license is \$7.00 per designated consecutive 24-hour period. Notwithstanding any other provision of this section, the fee for a limited fishing license for a senior citizen is \$3.00.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 356, Imd. Eff. July 1, 1996;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43534 Free fishing days.

Sec. 43534. (1) The department shall designate a Saturday and the following Sunday during January or February of each year as free winter fishing days. In addition, the department may designate 1 other day or 2 other consecutive days each year as free fishing days.

(2) During free fishing days, a resident or nonresident may fish for all species of fish in waters of this state designated by the department without purchasing a license or permit.

(3) A person who fishes during a free fishing day pursuant to subsection (1) has the same privileges and is subject to the same rules and regulations as the holder of a limited fishing license issued pursuant to section 43533.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1999, Act 233, Imd. Eff. Dec. 28, 1999.

Popular name: Act 451

Popular name: NREPA

324.43535 Senior license; fee; rights and privileges.

Sec. 43535. A resident of this state who is 65 years of age or older may obtain a senior small game license, a senior firearm deer license, a senior bow and arrow deer license, a senior bear hunting license, a senior wild

turkey hunting license, or a senior fur harvester's license. The fee for each senior license shall be discounted 60% from the fee for the resident license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43536 Senior restricted fishing license; fee; senior all-species fishing license.

Sec. 43536. (1) A resident of this state who is 65 years of age or older may obtain a senior restricted fishing license. The fee for a senior restricted fishing license is discounted 60% from the fee for a resident restricted fishing license.

(2) A resident of this state who is 65 years of age or older may obtain a senior all-species fishing license. The fee for a senior all-species fishing license is discounted 60% from the fee for a resident all-species fishing license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43536a Person stationed outside state; lottery not required; validity; "member of the military" defined.

Sec. 43536a. (1) A member of the military may obtain any license under this part for which a lottery is not required for \$1.00 upon presentation to a licensing agent of leave papers, duty papers, military orders, or other evidence acceptable to the department verifying that he or she is stationed outside of this state. The license is valid for a period of up to 2 weeks designated by the member of the military but only during the season in which such a license would otherwise be valid.

(2) As used in this section, "member of the military" means either of the following:

(a) A person described by section 43506(3)(d) who is stationed outside this state.

(b) A person who meets all of the following requirements:

(i) The person is a reserve component soldier, sailor, airman, or marine or member of the Michigan national guard and is called to federal active duty.

(ii) At the time the person was called to federal active duty, he or she was a resident of this state.

(iii) The person is stationed outside this state.

(iv) The person has maintained his or her residence in this state for the purpose of obtaining a driver license or voter registration, or both.

History: Add. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2003, Act 4, Imd. Eff. Apr. 22, 2003;—Am. 2004, Act 545, Imd. Eff. Jan. 3, 2005.

Popular name: Act 451

Popular name: NREPA

324.43537 Restricted or senior all-species fishing license; eligibility of legally blind; proof of blindness; disabled veteran; eligibility for senior hunting or fishing license; disabled veterans firearm deer season; pilot project; proof of eligibility; processing licenses; appropriations; "disabled veteran" defined.

Sec. 43537. (1) A resident who is declared legally blind is eligible to purchase a senior restricted or senior all-species fishing license. The department may demand proof of blindness. The licensee, when fishing, shall possess proof of blindness and shall furnish the proof upon the request of a peace officer.

(2) A disabled veteran is eligible to purchase any senior hunting license described in section 43535 or any senior fishing license described in section 43536, or both.

(3) As a pilot project for 2007, there shall be a disabled veterans firearm deer season in at least 3 areas of this state, including Marquette county and deer management units 053 and 064. The disabled veterans firearm deer season shall correspond with the youth firearm deer hunting days, if any, established by order of the commission. A disabled veteran may take 1 deer during the disabled veterans firearm deer season. A disabled veteran taking deer during this season shall possess a current firearm deer license, combination deer license, or antlerless deer license or a deer management assistance permit authorizing the disabled veteran to take a deer with a firearm and issued for the area or land upon which the veteran is hunting. The same kind of deer may be taken during the disabled veterans firearm deer season as during the regular November firearm deer season. This subsection does not limit the authority of the commission under section 40113a to establish a special hunting season in any area of this state for veterans with disabilities or other classes of individuals.

(4) The department may demand proof of eligibility under subsection (2) or (3). The licensee, when hunting or taking aquatic species, as applicable, shall possess proof of his or her eligibility under subsection (2) or (3) and shall furnish the proof upon the request of a peace officer.

(5) The department shall process licenses issued under subsection (2) in the same manner as licenses issued to senior citizens for purposes of receiving appropriations from the legislature under section 43546.

(6) As used in this section, "disabled veteran" means either of the following:

(a) A resident who has been determined by the United States department of veterans affairs to be permanently and totally disabled as a result of military service and entitled to veterans' benefits at the 100% rate, for a disability other than blindness.

(b) A resident rated by the United States department of veterans affairs as individually unemployable.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2007, Act 60, Imd. Eff. Sept. 18, 2007.

Popular name: Act 451

Popular name: NREPA

324.43538 Fishing; reciprocity.

Sec. 43538. The department may permit a person licensed under the fishing laws of an adjacent state to fish in the inland lakes and rivers or portions of rivers of this state that constitute a part of the border of this state, if the adjacent state grants similar privileges to a person licensed in this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43539 Report by licensee.

Sec. 43539. The department may require each licensed hunter, trapper, and angler to make a report to the department of the number, kinds, and location of game animals, game birds, fur-bearing animals, and fish taken during the respective open season by the licensee. The department shall establish the prescribed manner in which the requested information is reported.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43540 License; application and issuance by mail, on-line computer service, or telephone; fees; delinquent payment.

Sec. 43540. (1) An application for 1 or more licenses issued under this part may be made by mail, on-line computer service, or telephone to the department, or to a person designated by the department, who shall forward the license issued to the applicant to an address as directed by the applicant. An applicant shall satisfy all the requirements of this part for obtaining a license before a license is issued by mail or telephone. The department may charge a fee for an application made by mail, on-line computer service, or telephone in addition to the fee for the license or licenses. Total fees collected by the department under this subsection in any license year shall not exceed the additional cost of providing mail or telephone service in that year.

(2) If a check or draft of a required fee is not paid on its first presentation, the fee is delinquent as of the date the check or draft was tendered. The person tendering the check or draft remains liable for the payment of each fee and any penalty.

(3) The department may revoke a license, duplicate license, application, or permit if the department has determined that a fee prescribed in this part has not been paid and remains unpaid after reasonable notice or demand.

(4) If a fee is still delinquent 15 days after the department has given notice to a person who tendered the check or draft, the department shall assess and collect a \$15.00 penalty in addition to the license and transaction fee.

(5) The director may refuse to issue additional licenses under this part to a person who is delinquent in payment of fees or penalties provided in subsection (4) at the time the application is submitted.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43540a Sportsmen against hunger program; implementation; duties of department;

financial donations; contract with nonprofit organization to administrate program; contract requirements; "program" defined.

Sec. 43540a. (1) Subject to subsection (4), by January 1, 2007, the department shall implement a program to distribute wild game to people in need. The program shall be known as the sportsmen against hunger program.

(2) Under the program, the department shall do all of the following:

(a) Collect donations of legally taken game that complies with all state and federal game laws, including any requirement that the parts of the game be intact.

(b) Contract for processing the donated game.

(c) Distribute the processed game to food banks, soup kitchens, and other charitable organizations that provide meals or food to people free of charge.

(d) Promote the program through the license distribution system and other means that will further the mission of the program.

(3) Under the program, the department may request financial donations to offset the cost of processing donated game. The financial donations are tax deductible.

(4) The department may contract for the administration of the program by a nonprofit organization that is exempt from taxation under section 501(c)(3) of the internal revenue code, 26 USC 501, if the department determines that it is more efficient to do so. Subject to section 43540c(9), payments under the contract shall be adequate to cover the nonprofit organization's costs in administering the program. Before entering such a contract, the department shall issue a request for proposals. If the request for proposals does not yield a bid that meets the requirements of this section, both of the following apply:

(a) The department is not required to implement the sportsmen against hunger program.

(b) The department shall, within 30 days, submit a report to the standing committees of the senate and house of representatives with primary responsibility for hunting issues. The report, as applicable, shall explain that no bids were received or shall specify why each bid received was unacceptable. The report shall also indicate whether the department intends to implement the sportsmen against hunger program.

(5) To qualify to enter a contract under subsection (4), a nonprofit organization must have demonstrated a commitment to the goals of the program and have at least 5 years of experience in providing wild game or other food to people free of charge. The contract shall require that the contracting nonprofit organization do all of the following:

(a) Maintain a license under the charitable organizations and solicitations act, 1975 PA 169, MCL 400.271 to 400.294.

(b) Maintain adequate staff to perform the tasks outlined in the contract.

(c) Annually undergo an independent financial audit and provide the audit information and report to all of the following:

(i) The department.

(ii) The subcommittee of the senate appropriations committee and the subcommittee of the house of representatives appropriations committee with responsibility for the budget of the department.

(iii) The committees of the senate and house of representatives with primary responsibility for natural resources issues.

(6) As used in this section, "program" means the sportsmen against hunger program created under subsection (1).

History: Add. 2005, Act 116, Imd. Eff. Sept. 22, 2005.

Popular name: Act 451

Popular name: NREPA

324.43540c Sportsmen against hunger program; donation; creation; disposition of money or other assets; money remaining in fund; expenditure; costs; limitation; "fund" defined.

Sec. 43540c. (1) Subject to subsection (2), when a person applies for a license under this part, the department or the department's agent shall ask whether the person would like to donate \$1.00 to the sportsmen against hunger program created by the department under section 43540a and, if so, shall collect the donation with the license fee. A person designated by the department to issue licenses shall not receive a commission under section 43541 for the donation.

(2) Subsection (1) applies to license applications made beginning January 1, 2006.

(3) A donation under subsection (1) is in addition to the license fee.

(4) The department shall transfer donations under subsection (1) to the state treasurer for deposit in the fund.

(5) The sportsmen against hunger fund is created within the state treasury.

(6) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(7) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(8) Money from the fund shall be expended, upon appropriation, only by the department for 1 or more of the following purposes:

(a) The costs of administering the fund, including the costs of collecting donations to the fund.

(b) The administration of the sportsmen against hunger program created under section 43540a, including, if applicable, the costs of any contract with a nonprofit organization to administer the sportsmen against hunger program, as authorized under section 43540a(4).

(9) The department shall not incur costs described in subsection (8) in excess of the amount of revenue in the fund available to cover such costs.

(10) As used in this section, "fund" means the sportsmen against hunger fund created in subsection (5).

History: Add. 2005, Act 117, Imd. Eff. Sept. 22, 2005.

Popular name: Act 451

Popular name: NREPA

324.43541 Retaining percentage of fees for sportcard, license, duplicate license, application, or permit; additional charges.

Sec. 43541. (1) A person authorized by the department to issue licenses on March 15, 1993, may retain 7.5% of the fees for each sportcard, license, duplicate license, application, or permit that the person sells. A person authorized by the department after March 15, 1993 to issue licenses may retain 5% of the fees for each sportcard, license, duplicate license, application, or permit that the person sells. The department shall consider any additional location established after March 15, 1993 at which licenses are sold as a new authorized agent for purposes of determining the percentage of fees that may be retained for sales at the new location by that authorized agent.

(2) In addition to the fees authorized under subsection (1), the department may also authorize a person who is authorized to issue licenses to charge and retain a 50-cent transaction fee for collecting migratory bird survey responses.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43542 Licenses; validity; fee; report.

Sec. 43542. (1) All licenses issued under this part are valid from March 1 through March 31 of the following year or as otherwise provided by order of the commission. The department shall designate the period of validity on the license or permit.

(2) The fee for a multiyear license, permit, or application shall be the annual fee for that license, permit, or application multiplied by the number of years designated by order of the commission.

(3) At least 6 months prior to the commission issuing an order under subsection (1), the department shall report to the legislature how the department will ensure that the money collected for any multiyear licenses or permits is accounted for and allocated to the appropriate fiscal year.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2009, Act 34, Imd. Eff. June 4, 2009.

Popular name: Act 451

Popular name: NREPA

324.43543 Course of instruction in safe handling of firearms; instructors; registration; certificate of competency.

Sec. 43543. The department shall provide for a course of instruction in the safe handling of firearms and shall designate persons, without compensation, to serve as instructors and to award certificates. A person desiring to take the course of instruction shall register with an instructor certified by the department. Upon successful completion of the course, the person shall be issued a certificate of competency.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43544 License, sportcard, or kill tag; loss or destruction; duplicate; certification of loss form; fees.

Sec. 43544. (1) If a license or sportcard issued pursuant to this part or a kill tag is lost or destroyed, a licensee may procure a duplicate from the department. To obtain a duplicate license, sportcard, or kill tag, the licensee shall file a certification of loss form with the department and shall pay the duplicate fee as provided in subsection (2) for each duplicate requested.

(2) If the licensee meets the requirements of subsection (1) and all other requirements of this part for procuring a license or sportcard, or, if required by this part, a kill tag, the department shall verify the purchase of the original and issue to the licensee the duplicates requested and collect the following applicable duplicate fees:

(a) Except as provided in subdivision (b), \$3.00 for each license included in a certification of loss.

(b) For a duplicate of a kill tag, the fee shall equal the amount that the person would pay for a license to which the kill tag applies without regard to marketing discounts or multilicense discounts.

(c) For a duplicate of a sportcard, \$1.00.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43546 Senior hunting and fishing licenses; appropriating sum equal to fees not collected; crediting appropriation to game and fish protection account.

Sec. 43546. (1) Before June 1 of each year, the department shall determine the total number of senior hunting and fishing licenses issued and the total fees collected the preceding license year. The department shall determine the total fees that would have been collected if those senior citizens had been required to purchase full-price resident hunting and fishing licenses during the preceding license year. From this total, the department shall subtract the fees collected from the sale of senior hunting and fishing licenses during the preceding license year. The difference is the amount that would otherwise be collected.

(2) The legislature shall annually appropriate from the general fund a sum equal to the fees that would otherwise be collected as determined pursuant to subsection (1). The sum appropriated shall be credited to the game and fish protection account.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.43547 Preparation and issuance of sportcards and licenses; information; equipment; conservation law enforcement stamps.

Sec. 43547. (1) The department shall prepare sportcards, if necessary, and licenses to comply with this part and may authorize persons to issue sportcards and licenses.

(2) A sportcard shall provide the following information as required by the department:

(a) The name of the applicant.

(b) The height and weight of the applicant.

(c) The address of the applicant.

(d) The birth date of the applicant.

(e) The applicant's social security number.

(f) Other information as required by the department.

(3) A license may include the following information:

(a) The date and time of issuance of the license.

(b) The identification code of the person issuing the license.

(c) The form of proof of eligibility to receive a license by the applicant as required.

(d) Other information as required by the department.

(e) The applicant's date of birth.

(4) The department may require persons authorized to issue licenses under this part to purchase or rent equipment necessary for the issuance of licenses. The purchase or lease charge shall not exceed the actual cost incurred by the department in making the equipment available for purchase or lease. However,

notwithstanding the equipment rental or purchase charges otherwise required under this section, if the department requires the use of designated computer equipment for the issuance of licenses, the department shall supply each licensed agent who is entitled to retain 7.5% of the fees received with a computer system at no charge to the licensed agent for each location at which that licensed agent sells licenses. A person who is eligible to receive equipment without charge may be required to purchase a service and maintenance contract for that equipment. The cost of the contract shall not be more than \$200.00 for the first year of the contract and thereafter the actual cost to the state of maintaining the computer system. Equipment that is supplied without charge to a licensed agent shall be returned to the department at such time as the person is no longer a licensed agent.

(5) A person who is authorized after March 15, 1993 to issue licenses shall pay the full annual rental or purchase fee for equipment required under subsection (4).

(6) A person who on March 15, 1993 is authorized to issue licenses who rents the equipment for the issuance of licenses required under subsection (4) shall pay rent or service and maintenance contract cost, as applicable for that equipment not to exceed 50% of the total of the annual amount the person is authorized to retain under section 43541, or the rental charge otherwise determined by the department, whichever is less.

(7) The department may provide persons authorized to issue licenses under this part with conservation law enforcement stamps to enable the purchaser of the stamps to contribute to the wildlife resource protection fund created in section 43555. Conservation law enforcement stamps may be issued by the department in the amounts of \$2.00 and \$5.00.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43548 Persons authorized to issue limited fishing licenses without equipment; bond; remittance of money; limitation on fee; fees held in trust.

Sec. 43548. (1) The department may require a person authorized to issue limited fishing licenses without the equipment described in section 43547 to file a bond with the department. The type and amount of the bond shall be determined by the department.

(2) A person issuing a sportcard, license, or permit shall remit to the department money required to be charged for the sale of each license, duplicate license or sportcard, application, or permit by the method and at the frequency prescribed by the department.

(3) A person shall not charge a fee for a sportcard or a license in an amount that is more than the license and transaction fee printed on the sportcard or license by the department.

(4) All fees collected from the sale of sportcards, licenses, duplicate licenses or sportcards, applications, or permits, except for the fees and commissions provided in section 43541(1) and (2), are held in trust for the state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43549 Violation of MCL 324.43548; penalties.

Sec. 43549. A person who violates section 43548, in addition to other penalties provided by law, forfeits the right to issue licenses and sportcards and forfeits the right to retain any percentage of the license or sportcard fees not received by the department within 48 hours after the date and time the license or sportcard fees should have been deposited as required by the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43550 Format of license.

Sec. 43550. The department shall select the format of the license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43551 Issuance of certain licenses; restriction.

Sec. 43551. The department may restrict the issuance of certain licenses to issuance only by department

offices or employees.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43552 Quotas on licenses.

Sec. 43552. The department may establish a quota on the number of each kind of license that may be issued.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43553 Disposition of money received from sale of passbooks and licenses; payments; grants; youth hunting and fishing education and outreach fund; annual report.

Sec. 43553. (1) The department shall transmit all money received from the sale of licenses to the state treasurer, together with a statement indicating the amount of money received and the source of the money.

(2) The game and fish protection fund formerly created by this section as a separate fund in the state treasury shall continue unless all the money in that fund is transferred to the game and fish protection account as a result of House Joint Resolution Z of the 92nd Legislature becoming part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963 and 2004 PA 587 taking effect. Except as provided in section 43555 and subsection (5), the state treasurer shall credit the money received from the sale of passbooks and licenses to the game and fish protection fund. However, if House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963, the state treasurer shall credit that money to the game and fish protection account.

(3) Except as provided in sections 43524, 43525, and 43554 and subsection (4), money credited to the game and fish protection fund or the game and fish protection account shall be paid out by the state treasurer pursuant to the accounting laws of this state for the following purposes:

(a) Services rendered by the department, together with the expenses incurred in the enforcement and administration of the wildlife and fisheries laws of the state, including the necessary equipment and apparatus incident to the operation and enforcement of the wildlife and fisheries laws, and the protection, propagation, distribution, and control of wildlife and fish.

(b) The propagation and liberation of wildlife or fish and for their increase at the time, place, and manner as the department considers advisable.

(c) The purchase, lease, and management of lands, together with the necessary equipment for the purpose of propagating and rearing wildlife or fish, and for establishing and maintaining game refuges, wildlife sanctuaries, and public shooting and fishing grounds.

(d) Conducting investigations and compiling and publishing information relative to the propagation, protection, and conservation of wildlife.

(e) Delivering lectures, developing cooperation, and carrying on appropriate educational activities relating to the conservation of the wildlife of this state.

(4) The department may make direct grants to colleges and universities in this state, out of funds appropriated from the game and fish protection fund or the game and fish protection account, to conduct fish or wildlife research or both fish and wildlife research.

(5) The youth hunting and fishing education and outreach fund is created as a separate fund in the department of treasury. The state treasurer shall credit to the youth hunting and fishing education and outreach fund the money received from the sale of small game licenses and all-species fishing licenses under sections 43523 and 43532, respectively, to minor children. Money in the youth hunting and fishing education and outreach fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(6) Money credited to the youth hunting and fishing education and outreach fund shall be paid out by the state treasurer pursuant to the accounting laws of this state for hunting and fishing education and outreach programs for minor children.

(7) The department and any other executive department of the state that receives money from the game and fish protection fund or game and fish protection account or the youth hunting and fishing education and outreach fund shall submit an annual report to the legislature showing the amount of money received by the department or other executive department from the game and fish protection fund or game and fish protection account or the youth hunting and fishing education and outreach fund and how that money was spent. An executive department required to submit a report as provided in this subsection shall send a copy of the report

to the legislature and to the department.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2004, Act 587, Eff. Dec. 23, 2006;—Am. 2006, Act 280, Imd. Eff. July 10, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.43554 Deer habitat; improvement; maintenance; management.

Sec. 43554. One dollar and fifty cents of the license fee for each firearm deer, bow and arrow deer, and resident sportsperson's license shall be used for improving and maintaining a habitat for deer and for the acquisition of lands for an effective program of deer habitat management.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43555 Wildlife resource protection fund; creation; transmission and deposit of additional fee; money credited; expenditures; voluntary contribution; annual report.

Sec. 43555. (1) Thirty-five cents from each license and stamp fee prescribed in this part, except for fees for licenses described in section 43553(5), shall be transmitted to the department for deposit in the wildlife resource protection fund created in this section.

(2) The wildlife resource protection fund is created as a separate fund within the state treasury. The state treasurer shall credit the money received from the department under this section to the wildlife resource protection fund. The money in the wildlife resource protection fund shall be expended by the department for the following purposes:

(a) Rewards for information leading to the arrest and prosecution of poachers and persons who obstruct or interfere in the lawful taking of animals or aquatic species in violation of section 40112 or 48702a, respectively. If a violation of section 40112 or 48702a involved killing a person engaged in lawfully taking an animal or aquatic species, the reward shall be \$5,000.00. A person whose lawful taking of an animal or aquatic species is obstructed or interfered in is not eligible to receive a reward under this subdivision.

(b) Hiring conservation officers for the investigation of poaching and the investigation of tips regarding potential poaching.

(c) A promotional and educational campaign to inform the general public on 1 or more of the following:

(i) The harm and danger of poaching.

(ii) The reward for information that leads to the arrest and prosecution of poachers and persons who obstruct or interfere in the lawful taking of animals or aquatic species in violation of section 40112 or 48702a, respectively.

(iii) Other antipoaching programs undertaken by the department.

(iv) How to identify and report persons who obstruct or interfere in the lawful taking of animals or aquatic species in violation of section 40112 or 48702a, respectively.

(3) At the time a person purchases a license or stamp under this part, he or she may make a voluntary contribution in any amount to the wildlife resource protection fund to be expended for the purposes provided in subsection (2). A person who wishes to make such a contribution may purchase 1 or more conservation law enforcement stamps from a person authorized to issue licenses and sportcards under this part.

(4) The department shall annually report to the legislature on the expenditures from the wildlife resource protection fund.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 1998, Act 472, Eff. Mar. 23, 1999.

Popular name: Act 451

Popular name: NREPA

324.43556 Hunter access leases on private land; lease payments; control of hunter access by participating landowners; cancellation of lease agreement; forfeiture of lease payments; posting boundaries of leased land; cause of action for injuries; orders.

Sec. 43556. (1) The department may utilize the game and fish protection account for the purpose of acquiring and administering hunter access leases on private land.

(2) The department may determine and provide lease payments in amounts that are related to the benefits

the leased land provides for public use if for a designated lease period a participating landowner agrees to allow public access to certain lands for the purpose of hunting. Department field personnel shall inspect the lands and determine their value to the program. Final approval of lease proposals shall be made by the department.

(3) Participating landowners have authority to control hunter access according to the terms of the lease agreement, including terms requiring a hunter to obtain verbal or written permission to hunt on the participating landowners' land.

(4) Pursuant to rules adopted under this section, participating landowners may cancel their lease agreement at any time prior to the expiration of the lease. Cancellation of the agreement prior to the expiration of the lease shall result in the forfeiture of all lease payments that have been received by the participating landowner for the year in which cancellation occurs.

(5) Participating landowners shall post, with signs provided by the department, the boundaries of land leased under this section.

(6) A cause of action shall not arise for injuries to persons hunting on lands leased under this section unless the injuries were caused by the gross negligence or willful and wanton misconduct of the owner, tenant, or lessee.

(7) The department may issue orders pursuant to part 401 governing the administration and operation of a hunting access program.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.43557 License application lists, information, and publications; sale; price; disposition of proceeds.

Sec. 43557. The department may sell, or contract for the sale of, license application lists or information filed with the department pursuant to this part and related publications of the department. The department shall establish the price for the lists, information, and publications, and the proceeds of all sales pursuant to this section shall be credited to the game and fish protection account in the manner prescribed in section 43553.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.43558 Prohibited conduct; misdemeanor; penalties; carrying firearm under influence of controlled substance or alcohol; effect of prior conviction; violation of subsection (1)(d) as misdemeanor.

Sec. 43558. (1) A person is guilty of a misdemeanor if the person does any of the following:

(a) Makes a false statement as to material facts for the purpose of obtaining a license or uses or attempts to use a license obtained by making a false statement.

(b) Affixes to a license a date or time other than the date or time issued.

(c) Issues a license without receiving and remitting the fee to the department.

(d) Without a license, takes or possesses a wild animal, wild bird, or aquatic species, except aquatic insects. This subdivision does not apply to a person less than 17 years of age who without a license takes or possesses aquatic species.

(e) Sells, loans, or permits in any manner another person to use the person's license or uses or attempts to use another person's license.

(f) Falsely makes, alters, forges, or counterfeits a sportcard or a hunting, fishing, or fur harvester's license or possesses an altered, forged, or counterfeited hunting, fishing, or fur harvester's license.

(g) Uses a tag furnished with a firearm deer license, bow and arrow deer license, bear hunting license, elk hunting license, or wild turkey hunting license more than 1 time, or attaches or allows a tag to be attached to a deer, bear, elk, or turkey other than a deer, bear, elk, or turkey lawfully killed by the person.

(h) Except as provided by law, makes an application for, obtains, or purchases more than 1 license for a hunting, fishing, or trapping season, not including a limited fishing license, second bow and arrow license, second firearm deer license, antlerless deer license, or other license specifically authorized by law, or if the applicant's license has been lost or destroyed.

(i) Applies for, obtains, or purchases a license during a time that the person is ineligible to secure a license.

(j) Knowingly obtains, or attempts to obtain, a resident or a senior license if that person is not a resident of this state.

(2) Except as provided in subsection (5), a person who violates subsection (1) shall be punished by imprisonment for not more than 90 days, or a fine of not less than \$25.00 or more than \$250.00 and the costs of prosecution, or both. In addition, the person shall surrender any license and license tag that was wrongfully obtained.

(3) A person licensed to carry a firearm under this part is prohibited from doing so while under the influence of a controlled substance or alcohol or a combination of a controlled substance and alcohol. A person who violates this subsection is guilty of a misdemeanor, punishable by imprisonment for 90 days, or a fine of \$500.00, or both.

(4) An applicant for a license under this part who has previously been convicted of a violation of the game and fish laws of this state may be required to file an application with the department together with other information that the department considers expedient. The license may be issued by the department.

(5) A person who violates subsection (1)(d), upon a showing that the person was ineligible to secure a license pursuant to court order or other lawful authority, is guilty of a misdemeanor, punishable by imprisonment for not more than 180 days, or a fine of not less than \$500.00 and not more than \$2,500.00, or both, and the costs of prosecution.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

324.43559 Violation; revocation of license; suspension order; compliance; rescission.

Sec. 43559. (1) If a person is convicted of violating this part, or another law relative to hunting, fishing, or trapping that does not otherwise require the revocation of, or prohibit the securing of, 1 or more licenses, the court may order the revocation of 1 or more of the person's licenses and may by order provide that the person shall not secure 1 or more licenses for not less than the remainder of the year in which convicted and during the next succeeding year, or longer in the discretion of the court.

(2) The department shall comply with a suspension order issued as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, within 7 days after receipt of the suspension order.

(3) An order rescinding a suspension order issued under the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, is effective upon its entry by the court and purchase by the licensee of a replacement license.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997;—Am. 1998, Act 95, Eff. Aug. 10, 1998.

Popular name: Act 451

Popular name: NREPA

324.43560 Violation as misdemeanor; penalty.

Sec. 43560. A person who violates this part or a rule promulgated under this part, for which violation a penalty is not otherwise provided for in this part, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than \$25.00 or more than \$250.00 and the costs of prosecution, or both.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43561 Rules.

Sec. 43561. The department may promulgate rules for the administration of this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 1996, Act 585, Eff. Mar. 1, 1997.

Popular name: Act 451

Popular name: NREPA

PART 437
MICHIGAN GAME AND FISH PROTECTION TRUST FUND

324.43701 Definitions.

Sec. 43701. As used in this part:

(a) "Game and fish protection account" means the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010.

(b) "Gas" means a mixture of hydrocarbons and nonhydrocarbons in a gaseous state which may or may not be associated with oil and includes liquids resulting from the condensation of those hydrocarbons and nonhydrocarbons.

(c) "Mineral" means an inorganic substance that can be extracted from the earth, except for oil or gas, and includes rock, metal ores, and mineral water.

(d) "Oil" means natural crude oil or petroleum and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the result of condensation of gas after it leaves the underground reservoir.

(e) "Trust fund" means the Michigan game and fish protection trust fund established in section 41 of article IX of the state constitution of 1963 and provided for in section 43702.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 50, Imd. Eff. July 23, 2001;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.43702 Michigan game and fish protection trust fund; establishment; composition.

Sec. 43702. In accordance with section 41 of article IX of the state constitution of 1963, the Michigan game and fish protection trust fund is established in the state treasury. The trust fund shall consist of all of the following:

(a) All assets of the game and fish protection trust fund immediately prior to the effective date of the amendatory act that added section 2001.

(b) Bonuses, rentals, delayed rentals, royalties, and other revenues collected or reserved by the state under leases or direct sale contracts in effect on or after April 7, 1986, entered into by the state pursuant to section 502, 503, or 33936 or section 12 of former 1909 PA 280, or any other law enacted for leasing for the purpose of permitting extraction or removal of minerals, coal, oil, gas, or other resources from state owned lands, if these bonuses, rentals, delayed rentals, royalties, direct sale proceeds, and other revenues accrue from lands acquired by the state using revenues derived from the game and fish protection account, the game and fish protection trust account created in section 4 of the Kammer recreational land trust fund act of 1976, former 1976 PA 204, federal funds made available to the state under 16 USC 669 to 669i, commonly known as the federal aid in wildlife restoration act, or 16 USC 777 to 777l, commonly known as the federal aid in fish restoration act, or related state or federal funds.

(c) Gifts, grants, bequests or assets from any source.

(d) Other revenues as authorized by law.

(e) Interest and earnings accruing from assets of the trust fund.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 50, Imd. Eff. July 23, 2001;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.43703 Transfer of interest and earnings; manner of maintaining corpus of trust fund; transfer of funds.

Sec. 43703. (1) The state treasurer shall transfer the interest and earnings from the trust fund to the game and fish protection account.

(2) Subject to subsection (3), the corpus of the trust fund shall be maintained by the state treasurer in a manner that will provide for future transfers to the game and fish protection account from the trust fund's

interest and earnings.

(3) The legislature may annually appropriate and transfer not more than \$6,000,000.00 from the corpus of the trust fund to the game and fish protection account.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 50, Imd. Eff. July 23, 2001;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.43704 Investment of trust fund; report on accounting of revenues and expenditures.

Sec. 43704. (1) The state treasurer shall direct the investment of the trust fund. The state treasurer shall have the same authority to invest the assets of the trust fund as is granted to an investment fiduciary under the public employee retirement system investment act, 1965 PA 314, MCL 38.1132 to 38.1140l.

(2) The department shall annually prepare a report containing an accounting of revenues and expenditures from the trust fund. This report shall identify the interest and earnings of the trust fund from the previous year, the investment performance of the trust fund during the previous year, and the total amount of appropriations from the trust fund during the previous year. This report shall be provided to the senate and house of representatives appropriations committees and the standing committees of the senate and house of representatives with jurisdiction over issues pertaining to natural resources and the environment.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 50, Imd. Eff. July 23, 2001;—Am. 2002, Act 56, Eff. Sept. 21, 2002.

Popular name: Act 451

Popular name: NREPA

324.43705 Joint legislative work group; establishment; purpose; composition; membership; appointment; service; vacancy; first meeting; quorum; compensation; assistance and staff support; report.

Sec. 43705. (1) A joint legislative work group on game and fish program revenue is established.

(2) The work group shall consist of representatives of the house and senate standing committees with primary responsibility for natural resources issues and the house and senate appropriations subcommittees on natural resources. Members shall be appointed on a bipartisan basis by the speaker of the house of representatives and the senate majority leader. The work group shall also include representatives of the natural resources commission and other interested parties.

(3) The members first appointed to the work group shall be appointed within 30 days after the effective date of the 2004 amendatory act that amended this section.

(4) Each member of the work group shall serve at the pleasure of the speaker of the house of representatives or the senate majority leader, whichever appointed the member.

(5) If a vacancy occurs on the work group, the vacancy shall be filled in the same manner as the original appointment was made.

(6) The first meeting of the work group shall be called by the senate majority leader. At the first meeting, the work group shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the work group shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 2 or more members.

(7) A majority of the members of the work group constitute a quorum for the transaction of business at a meeting of the work group. A majority of the members present and serving are required for official action of the work group.

(8) Members of the work group shall serve without compensation. However, members of the work group may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the work group.

(9) Assistance and staff support to the work group may be provided by the house and senate fiscal agencies.

(10) By December 31, 2004, and annually thereafter, the work group shall issue to the members of the legislature a report on game and fish program revenue. The report shall include, but need not be limited to, tax credit issues and alternative funding options to establish stable sources of long-term financial support for game and fish protection programs.

History: Add. 2001, Act 50, Imd. Eff. July 23, 2001;—Am. 2004, Act 311, Imd. Eff. Aug. 27, 2004.

Popular name: Act 451

Popular name: NREPA

PART 439

MICHIGAN NONGAME FISH AND WILDLIFE TRUST FUND

324.43901 Definitions.

Sec. 43901. As used in this part:

(a) "Nongame fish and wildlife" means fish or wild animals that are unconfined and not ordinarily taken for sport, fur, or food, and the habitat that supports them. However, nongame fish and wildlife includes fish and wild animals designated as game species when located in an area of this state where the taking of that species of fish or wild animal is prohibited.

(b) "Trust fund" means the Michigan nongame fish and wildlife trust fund established in section 42 of article IX of the state constitution of 1963 and provided for in section 43902.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.43902 Michigan nongame fish and wildlife trust fund; establishment; composition; investment; annual report.

Sec. 43902. (1) In accordance with section 42 of article IX of the state constitution of 1963, the Michigan nongame fish and wildlife trust fund is established in the state treasury. The trust fund shall consist of all of the following:

(a) All assets of the nongame fish and wildlife trust fund immediately prior to the effective date of the amendatory act that added section 2001, which money is hereby transferred to the Michigan nongame fish and wildlife trust fund.

(b) All money credited to the trust fund pursuant to section 439 of the income tax act of 1967, 1967 PA 281, MCL 206.439, and section 8117 of the Michigan vehicle code, 1949 PA 300, MCL 257.8117.

(c) Gifts, grants, bequests, or assets from any source.

(d) Other revenues as authorized by law.

(e) Interest and earnings accruing from assets of the Michigan nongame fish and wildlife trust fund.

(2) The state treasurer shall direct the investment of the trust fund. The state treasurer shall have the same authority to invest the assets of the trust fund as is granted to an investment fiduciary under the public employee retirement system investment act, 1965 PA 314, MCL 38.1132 to 38.11407.

(3) The department shall annually prepare a report containing an accounting of revenues and expenditures from the trust fund. This report shall identify the interest and earnings of the trust fund from the previous year, the investment performance of the trust fund during the previous year, and the total amount of appropriations from the trust fund during the previous year. This report shall be provided to the senate and house of representatives appropriations committees and the standing committees of the senate and house of representatives with jurisdiction over issues pertaining to natural resources and the environment.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2000, Act 69, Eff. Mar. 28, 2001;—Am. 2002, Act 55, Eff. Sept. 21, 2002;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.43903 Retention of certain money in trust fund on permanent basis; expenditures.

Sec. 43903. (1) The Michigan nongame fish and wildlife trust fund shall maintain a principal balance of not less than \$6,000,000.00, which shall be retained in the trust fund on a permanent basis.

(2) The interest and earnings of the trust fund and any money not otherwise retained on a permanent basis under subsection (1) shall be expended for the purposes of implementing the management plan described in section 43904. In implementing the management plan described in section 43904, the department may expend money from the Michigan nongame fish and wildlife trust fund for grants to state colleges and universities.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.43904 Plan for management of nongame fish and wildlife resources.

Sec. 43904. The department shall develop and implement a long-range plan for the management of Michigan's nongame fish and wildlife resources. The plan shall be reviewed and updated as necessary every 5 years.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43905 Duties of department.

Sec. 43905. The department shall do all of the following:

- (a) Develop long-range nongame wildlife plans.
- (b) Provide information to the public about the value of nongame fish and wildlife and their habitats.
- (c) Review and develop proposals for projects to implement the long-range management plan.
- (d) Determine the interests and opinions of the public in managing nongame fish and wildlife.
- (e) Encourage public involvement by offering projects and activities with which the public can become involved to increase their knowledge and understanding of nongame fish and wildlife resources in this state.
- (f) Integrate the nongame fish and wildlife program with other department programs that affect or benefit nongame fish and wildlife or their habitats.
- (g) Purchase and develop critical nongame wildlife habitats in this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2000, Act 69, Eff. Mar. 28, 2001.

Popular name: Act 451

Popular name: NREPA

324.43906 Determination of projects to be funded; solicitation and approval of proposals.

Sec. 43906. The department shall determine which projects should be funded with money from the trust fund. The department shall solicit and approve proposals from individuals, groups, and institutions for the management of nongame fish and wildlife species. In order for a proposal to be approved, the proposal must comply with the long-range plan once completed and must further the management of nongame fish and wildlife species identified in the plan.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.43907 Public information program.

Sec. 43907. The department shall develop and implement a public information program to present the values and benefits of nongame fish and wildlife and their habitats to our society, including the means by which citizens can observe and enjoy nongame fish and wildlife; to inform the public as to how the nongame fish and wildlife fund is being utilized to meet the goals set forth in the plan; and to inform the public on the existence of the nongame fish and wildlife fund and its purpose.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PART 441

GAME AND FISH LIFETIME LICENSE TRUST FUND

324.44101 Definitions.

Sec. 44101. As used in this part:

- (a) "Resident" means either of the following:
 - (i) A person who resides in a settled or permanent home or domicile within the boundaries of this state with the intention of remaining in this state.

- (ii) A student who is enrolled in a full-time course of study at a college or university within this state.
- (b) "Trust fund" means the game and fish lifetime license trust fund created in section 44104.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.44102 Lifetime hunting or fishing licenses; fees; privileges, responsibilities, and duties; validity; comprehensive lifetime hunting and fishing license.

Sec. 44102. (1) From March 1, 1989 to February 28, 1990, certain lifetime hunting or fishing licenses may be purchased by a resident of this state as provided in this part, for the following fees:

(a) The fee for a lifetime small game license, equivalent to the license available annually pursuant to section 43523, is \$220.00.

(b) The fee for a lifetime firearm deer license, equivalent to the license available annually to take 1 deer in a season pursuant to section 43526, is \$285.00.

(c) The fee for a lifetime bow and arrow deer license, equivalent to the license available annually to take 1 deer in a season pursuant to section 43527, is \$285.00.

(d) The fee for a lifetime sportsperson's license, equivalent to the license available pursuant to section 43521, is \$1,000.00.

(e) The fee for a comprehensive lifetime hunting and fishing license is \$1,025.00 and shall include all of the following:

- (i) Resident small game license.
- (ii) Resident firearm deer license.
- (iii) Resident bow and arrow deer license.
- (iv) Resident fishing license.
- (v) Resident trout and salmon license.
- (vi) Resident bear hunting license.
- (vii) Waterfowl hunting license.
- (viii) Resident fur harvester's license.

(f) The fee for a lifetime fishing license, equivalent to the resident annual fishing license issued pursuant to section 43532, is \$220.00.

(g) The fee for a lifetime trout and salmon license, equivalent to the annual trout and salmon license issued pursuant to section 43532, is \$220.00.

(2) A lifetime license issued pursuant to this section shall allow the holder of that license, throughout his or her lifetime, the same privileges, responsibilities, and duties as would the equivalent annual license or stamp issued pursuant to part 435. However, a lifetime license issued under this part does not guarantee the holder of that license the right to take game except in compliance with harvest regulations and license and permit conditions established for that species by the department.

(3) A lifetime license issued to a person who is a resident of this state at the time the license is purchased continues to be valid even if the holder of that license becomes a nonresident.

(4) A person who holds a lifetime sportsperson license may purchase a comprehensive lifetime hunting and fishing license for \$25.00.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.44103 Submission of application and fee; contents of application; notice of change in name or address; purchase of lifetime license for another person; issuance of certificate; minor child; eligibility of holder of certificate to hunt or fish; review of application; mailing license; denial of application; retention of certain amounts; tender of money and information; report; return of information, unsold license, and money to department; replacement lifetime license; forwarding proceeds to state treasurer.

Sec. 44103. (1) A resident of this state may purchase a lifetime license by submitting a completed application accompanied by the fee required in section 44102 to a person authorized by the department to sell lifetime licenses between March 1, 1989 and February 28, 1990. The application shall provide information required by the department including:

- (a) The name of the applicant.
- (b) The age of the applicant.

- (c) The height, weight, and eye color of the applicant.
- (d) The address of the applicant.
- (e) If the applicant has a driver license, the driver license number of the applicant.
- (f) The social security number of the applicant.

(2) The holder of a lifetime license shall notify the department if he or she has a name or address change.

(3) A person may purchase a lifetime license for another person, and upon receipt of full payment, the department shall issue a certificate entitling the designated person to apply for a license as provided for in this part. If a lifetime license is purchased and a certificate issued in the name of a minor child who is under the lawful age to utilize the license, the completed application shall be submitted at a district or regional office of the department when the child is of lawful age to utilize the license. The holder of a certificate is not eligible to hunt or fish pursuant to the lifetime license until he or she completes the application process and receives a license from the department.

(4) Upon receipt of the completed application from the person authorized to sell lifetime licenses and receipt of the fee, the department shall review the application and mail the lifetime license to the applicant within 7 days. However, if the department determines that the applicant is not eligible for the equivalent license or stamp under part 435, the department shall return the fee to the applicant, minus the amount retained by the person authorized by the department to sell lifetime licenses, with notification of the denial of the application for a lifetime license.

(5) A person authorized by the department to sell lifetime licenses may retain the following amount:

(a) Six dollars from each lifetime fishing license, small game license, and trout and salmon license.

(b) Eight dollars from each lifetime firearm and bow and arrow deer license.

(c) Fifteen dollars from each lifetime sportsperson license and each comprehensive lifetime hunting and fishing license.

(6) A person authorized to sell lifetime licenses shall, before the twenty-fifth day of each month, tender to the department the money received from the fifteenth day of the preceding month to the fifteenth day of the month in which payment is tendered for the lifetime licenses sold during that period, along with any other relevant information required by the department.

(7) A person authorized to sell lifetime licenses, before March 31, 1990, shall file with the department a complete report of all lifetime licenses sold between March 1, 1989 and February 28, 1990. All information required in subsection (1), unsold lifetime licenses, and remaining money, not previously sent to the department, shall be returned to the department.

(8) If a license issued under this part is lost, damaged, or destroyed, the licensee may apply to the department for a replacement lifetime license by filing an affidavit and meeting the requirements of this part for procuring a lifetime license. However, the fee for a lifetime license shall be waived if the licensee presents the department with the damaged license or the facts presented regarding the destruction or loss of the lifetime license are verified by a police report or other verification approved by the department. The department or a conservation officer may require the holder of a lifetime license to obtain a replacement license from the department if the license is mutilated or illegible.

(9) The department shall forward the proceeds of the sale of lifetime licenses to the state treasurer.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.44104 Game and fish lifetime license trust fund; creation; purpose; crediting money received; investment of trust fund.

Sec. 44104. (1) The game and fish lifetime license trust fund is created within the state treasury for the benefit of the people of this state to assist in providing adequate long-term funding for the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010.

(2) The state treasurer shall credit money received from the sale of lifetime hunting and fishing licenses under this part to the trust fund.

(3) The state treasurer shall invest the trust fund in the same manner as surplus funds are invested.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.44105 Maintenance and investment of corpus, interest, and earnings of trust fund; crediting certain amount to game and fish protection account.

Sec. 44105. (1) Except as otherwise provided in subsection (2) , the corpus of the trust fund and the interest and earnings of the trust fund shall be maintained and invested by the state treasurer as provided in section 44104.

(2) For each lifetime license issued under this part, the state treasurer shall credit annually to the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010 from the accumulated interest and earnings of the trust fund, and from the corpus of the trust fund if the accumulated interest and earnings of the trust fund are insufficient, that amount of money that the department would have received had the holder of the lifetime license purchased the equivalent annual license during the license year. For a comprehensive lifetime hunting and fishing license, the equivalent annual license for purposes of calculations required by this section shall be the annual sportsperson license available pursuant to section 43521.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

324.44106 Violation of MCL 324.44103; penalty.

Sec. 44106. In addition to any other penalty provided by law, a person who violates section 44103 shall forfeit the right to issue lifetime licenses and shall forfeit the right to retain the fee provided in section 44103(5) for lifetime licenses not received by the department within 20 days after the date the fees should have been tendered as provided in section 44103.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA